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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,181	07/24/2001	Gianni Clerico Titinet	VIS0003	5693

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EXAMINER

NGUYEN, DINH Q

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,181

Applicant(s)

TITINET, GIANNI CLERICO

Examiner

Dinh Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in page 4, line 23, "shoulders 66, 68" should read --shoulder 64, 66--. Through out the specification, the expression "inner cannulated member" should read --inner cannula member--. The word "cannulated" is not a word in dictionary.

Appropriate correction is required.

Claim Objections

2. Claims 2-5, 8, 9, 15-18 objected to because of the following informalities: the expression "inner cannulated member" should read --inner cannula member--. The word "cannulated" is not a word in dictionary.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 10, 13, 14, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen.

Chen discloses a shower head housing 10 having a water inlet 101 and a nozzle plate 20 with a plurality of apertures, a plurality of nozzles 41, a plurality of nozzle inserts 42 that each has a flexible nozzle tip 423 and a passageway 426 in fluid communication with the water inlet 101 (figures 2-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Meyer.

Chen teaches all the limitations of the claims except for a nozzle insert formed from an outer sleeve and an inner cannula member. However, Meyer discloses a spraying device having a plurality of nozzles 12 each has an insert 18 with flexible tip 25, the insert 18 with an outer sleeve 22 and an inner cannula member 19. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the

device of Chen with a nozzle insert formed from an outer sleeve and an inner cannula member as suggested by Meyer. Doing so would provide a way to secure the nozzle tip (column 2, lines 24-26).

With respect to claims 3 and 16, Chen in view of Meyer does not disclose expressly a co-injected part with the outer sleeve formed over the inner cannula member. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the insert of Chen and Meyer with a co-injected part in which the outer sleeve formed over the inner cannula member because Applicant has not disclosed that a co-injected part for the outer sleeve and the inner cannula member provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either Chen and Meyer insert or a co-injected insert because the both perform the function of spraying fluid. Therefore, it would have been an obvious matter of design choice to modify the Chen and Meyer insert to obtain the invention as specified in claims 3 and 16.

7. Claims 5-9, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Meyer as applied to claims 2-4, 15-17 above, and further in view of Grassberger.

Chen in view of Meyer teaches all the limitations of the claims except for the inner cannula member that is formed from a material with a shore hardness of about 30-50 sh A. However, Grassberger discloses a nozzle insert 12 formed a material with Shore hardness of approximately 40-50. Therefore, it would have been obvious to one

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having ordinary skill in the art to have provided the device of Chen and Meyer with the inner cannula member with a shore hardness of about 30-50 sh A as suggested by Grassberger. Doing so would provide a way to remove any build-up in the inserts of the shower head (column 2, lines 66-68 and column 3, line 1-3).

With respect to claims 6-9, and 18-20, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the insert of Chen and Meyer with the outer sleeve or the inner cannula member that is formed of material with shore hardness of 90 sh A or formed of polypropylene material. Doing so would provide a way to remove any build-up in the inserts of the shower head (column 2, lines 66-68 and column 3, line 1-3).

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Meyer as applied to claims 2-4, 15-17 above, and further in view of Scheidler.

Chen in view of Meyer teaches all the limitations of the claims except for a brass or a chrome finish. However, Scheidler discloses a showerhead with chrome or brass finish (column 2, lines 1-14). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Chen and Meyer with a brass or a chrome finish as suggested by Grassberger. Doing so would provide a showerhead with a protective finish.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the art with respect to a showerhead: Draviner, Hadsel, Volle, Hirasawa, and Heimann et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q Nguyen whose telephone number is (703) 305-0248. The examiner can normally be reached on Monday-Friday 6:30-4:00 alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

dqn
June 2, 2003



Dinh Nguyen

Patent Examiner